

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

Plaintiff,

v.

**ORDER RE DEFENDANT GUILLERMO
HERRERA'S REQUEST FOR
CLARIFICATION AND NOTICE OF
NEWLY DISCOVERED INFORMATION**

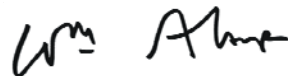
GUILLERMO HERRERA, *et al.*

Defendants.

Defendant Guillermo Herrera requests clarification regarding whether the government was permitted to file its supplemental submission regarding defendants' severance motions *ex parte* and under seal (Dkt. No. 2881). Some of the government's submission was appropriately filed *ex parte* but some of it need not be *ex parte*. Prior to the hearing on Monday, the government shall disclose the maximum amount of content to defense counsel except for portions deserving to be *ex parte*.

Defendant Guillermo Herrera has also filed a supplemental reply to his motion to sever, indicating he has recently discovered information that may support a motion to sever on newly-discovered grounds (Dkt. No. 2880). Defense counsel is to bring copies of the materials containing this recently-discovered information to the hearing on Monday.

Dated: January 7, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE